

150 (N.C. 1964). The court refers its prior Order, as the plaintiff has sought retrospective relief, which is not justiciable in this court, and failed to state a claim that is even arguably outside the Eleventh Amendment's protections afforded to the state. (#43 at 5).

The plaintiff further alleges that he was treated in a “discriminatory and disparate manner.” (#47). *Inter alia*, plaintiff raises concern that no hearings were held in this matter. Under the Local Rules, motions—like those of the litigants in this case—will “ordinarily be ruled upon without oral argument.” LCvR 7.1(A).

Plaintiff did not exhaust his state court remedies. As noted in the prior Order (#43), this court lacks jurisdiction over this matter and many of the named defendants. The plaintiff asks the court to amend its prior Order and Judgment. The court will not do so, and the plaintiff's Motion will be denied.

(B) Request for a Three-Judge Court

Plaintiff requests that the above-captioned matter is heard by a three-judge panel. As grounds, plaintiff claims that no District Court had addressed or ruled upon his third cause of action. (#46).

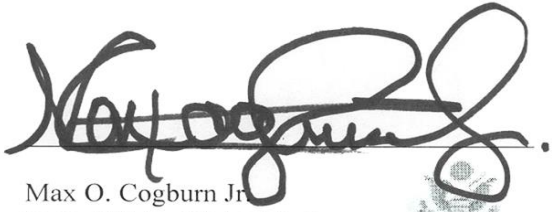
Plaintiff's entire case has been dismissed *with* prejudice in federal court for lack of jurisdiction. A three-judge panel of federal judges would similarly lack jurisdiction. See Shapiro v. McManus, 136 S.Ct. 450, 455 (2015). The matter is closed.

Plaintiff's case has been dismissed *without* prejudice with regard to state court. Jurisdiction in this matter is proper in the state court system. Accordingly, the plaintiff's Motion will be denied.

ORDER

IT IS, THEREFORE, ORDERED that plaintiff's Rule 59(e) Motion to Amend Judgment (#45) is **DENIED** and plaintiff's Request for a Three Judge Court (#46) is also **DENIED**.

Signed: November 8, 2016



Max O. Cogburn Jr.
United States District Judge